

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00454-02 SOM
)	
Plaintiff,)	MEMORANDUM OF THE UNITED
)	STATES IN SUPPORT OF ITS
vs.)	MOTION FOR A DOWNWARD
)	DEPARTURE
HECTOR FERRER, (02))	
)	
Defendant.)	
_____)	

**MEMORANDUM OF THE UNITED STATES IN SUPPORT OF
ITS MOTION FOR A DOWNWARD DEPARTURE**

On April 30, 2004, defendant Hector Ferrer pleaded guilty, pursuant to a plea agreement, to one count of conspiracy to possess with intent to distribute five grams or more of methamphetamine, in violation of 21 U.S.C. § 846. Defendant provided substantial assistance in that he met with law enforcement officers and provided credible information which led to (along with other information), two additional charges against Defendant Silver Galindo, Cr. No. 04-00053 DAE. Ferrer detailed events surrounding Galindo's "ripping off" Ferrer's drugs, at gunpoint, in a hotel room. Ferrer's information was corroborated by hotel records and police reports. Ferrer also informed law enforcement that while at the FDC, Galindo apologized to Ferrer.

I. The Pending Sentencing Range

With an offense level of 25 and criminal history category of IV, the guideline range for imprisonment is 84-105 months.

II. The Downward Departure


The government requests a downward departure to Level 21, Criminal History Category IV, 57-71 months based on defendant's substantial assistance. A further departure is anticipated after Defendant Ferrer testifies at the trial of Silver Galindo, Cr. No. 04-00053 DAE. Also there is a possibility of further departure if co-defendant Christian Velandia, who is a fugitive, is apprehended. However, given the belief that Velandia is in Colombia or elsewhere in South America, the likelihood of an arrest is very remote.

III. Conclusion

The government believes that a sentence at the low end of the guideline range would adequately reward Defendant Ferrer for his cooperation.

DATED: July 13, 2005, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By 
FLORENCE T. NAKAKUNI
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